

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Johnson moved to adjourn until 10 o'clock a. m. Tuesday.

Which was agreed to.

Whereupon the Senate stood adjourned until ten o'clock a. m. Tuesday, April 27, 1909.

## **TUESDAY, APRIL 27, 1909.**

The Senate met, pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Baker (20th District), Baker (29th District), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers.—27.

A quorum present.

Prayer by the Chaplain.

By unanimous consent, the reading of the Journal of April 24 was dispensed with.

The Journal of April 24 was corrected.

The Journal of April 24 was approved as corrected.

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### **REPORTS OF COMMITTEES.**

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 1:

Relating to the appointment of a committee to investigate and report upon progress of reclaiming the Everglades, and upon the progress of the work being done by the Florida Coast Line and Transportation Co.

Also—

House Concurrent Resolution No. 2:

Relating to the appointment of a committee to investigate and report upon the condition and administration of the Florida State Hospital for Insane, located at Chattahoochee, Fla.

Also—

House Concurrent Resolution No. 3:

Relating to our Senators and Representatives in Congress, instructing them to use all honorable means to have New Smyrna, Volusia County, and Palatka, Putnam County, Fla., made a port of entry.

Also—

House Concurrent Resolution No. 4:

Relating to the appointment of a committee to visit and report on the condition, management and needs of the Institute for the Blind, Deaf and Dumb, located at St. Augustine, Fla., the University of the State of Florida, at Gainesville, the Florida Female College, and Colored Normal School, at Tallahassee, Fla., also visit and inspect the State Arsenal at St. Augustine and the State Camp Grounds at Black Point, on the St. Johns River.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,  
Chairman of Joint Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to convey to the House of Representatives for the signature of

the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 1:

Relating to the appointment of a committee to investigate and report upon progress of reclaiming the Everglades, and upon the progress of the work being done by the Florida Coast Line and Transportation Co.

Also—

House Concurrent Resolution No. 2:

Relating to the appointment of a committee to investigate and report upon the condition and administration of the Florida State Hospital for Insane, located at Chattahoochee, Fla.

Also—

House Concurrent Resolution No. 3:

Relating to our Senators and Representatives in Congress, instructing them to use all honorable means to have New Smyrna, Volusia County, and Palatka, Putnam County, Fla., made a port of entry.

Also—

House Concurrent Resolution No. 4:

Relating to the appointment of a committee to visit and report on the condition, management and needs of the Institute for the Blind, Deaf and Dumb, located at St. Augustine, Fla., the University of the State of Florida, at Gainesville, the Florida Female College, and Colored Normal School, at Tallahassee, Fla., also visit and inspect the State Arsenal at St. Augustine, and the State Camp Grounds at Black Point, on the St Johns River.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representa-

tives, and is herewith presented to the senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

### ENROLLED.

The President announced that he was about to sign—  
House Concurrent Resolution No. 1:

Relating to the appointment of a committee to investigate and report upon progress of reclaiming the Everglades and upon the progress of the work being done by the Florida Coast Line and Transportation Co.

Also—

House Concurrent Resolution No. 2:

Relating to the appointment of a committee to investigate and report upon the condition and administration of the Florida State Hospital for Insane, located at Chattahoochee, Fla.

Also—

House Concurrent Resolution No. 3:

Relating to our Senators and Representatives in Congress, instructing them to use all honorable means to have New Smyrna, Volusia County, and Palatka, Putnam County, Fla., made a port of entry.

Also—

House Concurrent Resolution No. 4:

Relating to the appointment of a committee to visit and report on the condition, management and needs of the Institute for the Blind, Deaf and Dumb, located at St. Augustine, Fla., the University of the State of Florida, at Gainesville, the Florida Female College, and Colored Normal School, at Tallahassee, Fla., also visit and inspect the State Arsenal at St Augustine, and the State Camp Grounds at Black Point, on the St. Johns River.

The Concurrent Resolutions were thereupon duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills, to convey to the Governor for his approval.

## REPORTS OF COMMITTEES.

Mr Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 1:

Relating to the appointment of a committee to investigate and report upon progress of reclaiming the Everglades, and upon the progress of the work being done by the Florida Coast Line and Transportation Co.

Also—

House Concurrent Resolution No. 2:

Relating to the appointment of a committee to investigate and report upon the condition and administration of the Florida State Hospital for Insane, located at Chattahoochee, Florida.

Also—

House Concurrent Resolution No. 3:

Relating to our Senators and Representatives in Congress, instructing them to use all honorable means to have New Smyrna, Volusia County, and Palatka, Putnam County, Florida, made a port of entry.

Also—

House Concurrent Resolution No. 4:

Relating to the appointment of a committee to visit and report on the condition, management and needs of the Institute for the Blind, Deaf and Dumb, located at St. Augustine, Fla., the University of the State of Florida, at Gainesville, the Florida Female College, and Colored Normal School, at Tallahassee, Fla., also visit and inspect the State Arsenal at St. Augustine, and the State Camp Grounds at Black Point, on the St. Johns River.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

Mr Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 6:

Relating to our Senators and Representatives in Congress, requesting them to exert their influence at Washington against the appointment and confirmation of any such appointment, of negroes to Federal offices and appointments in the State of Florida.

Also—

House Concurrent Resolution No. 7:

Whereas, There are in the State thousands of male persons above the age of twenty-one years who enjoy all the protection and benefits under the laws of Florida, including a free school education for their children and the use of our public roads, and who do not pay one cent of taxes for the maintenance of said roads and schools or for other purposes,

Therefore, Be it resolved by the House of Representatives, the Senate concurring, That a committee be appointed consisting of three on the part of the House and two on the part of the Senate, whose duty it shall be to investigate said existing conditions and to report to this House, by bill or otherwise, the proper legislation to remedy the conditions herein above outlined.

Also—

House Concurrent Resolution No. 8:

Providing for a committee to be appointed by the Speaker of the House and the President of the Senate, to prepare and report to the House and Senate suitable resolutions upon the death of Stephen R. Mallory, late a United States Senator from the State of Florida, and upon the death of William J. Bryan, late a United States Senator from the State of Florida, the said resolutions

naming a date for their consideration in joint session in the House and Senate.

Also—

House Concurrent Resolution No. 9:

A memorial to Congress asking for an appropriation for the improvement of the entrance to the harbor of St. Andrews Bay, Florida.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

And the Acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to convey to the House of Representatives for the signature of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

House Concurrent Resolution No. 6:

Relating to our Senators and Representatives in Congress, requesting them to exert their influence at Washington, against the appointment and confirmation of any such appointment, of negroes to Federal offices and appointments in the State of Florida.

Also—

House Concurrent Resolution No. 7:

Whereas, There are in the State thousands of male persons above the age of twenty-one years who enjoy all the protection and benefits under the laws of Florida,

including a free school education for their children and the use of our public roads, and who do not pay one cent of taxes for the maintenance of said roads and schools or for other purposes, therefore be it

Resolved, By the House of Representatives, the Senate concurring, that a committee be appointed consisting of three on the part of the House and two on the part of the Senate, whose duty it shall be to investigate said existing conditions and to report to this House by bill or otherwise the proper legislation to remedy the conditions herein above outlined.

Also—

House Concurrent Resolution No. 8:

Providing for a committee to be appointed by the Speaker of the House and the President of the Senate, to prepare and report to the House and Senate suitable resolutions upon the death of Stephen R. Mallory, late a United States Senator from the State of Florida, and upon the death of William J. Bryan, late a United States Senator from the State of Florida, the said resolutions naming a date for their consideration in joint session in the House and Senate.

Also—

House Concurrent Resolution No. 9:

A memorial to Congress asking for an appropriation for the improvement of the entrance to the harbor of St. Andrews Bay, Florida.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

ENROLLED.

The President announced that he was about to sign—

House Concurrent Resolution No. 6:

Relating to our Senators and Representatives in Congress, requesting them to exert their influence at Washington against the appointment and confirmation of any



such appointment, of negroes to Federal offices and appointments in the State of Florida.

Also—

House Concurrent Resolution No. 7:

Whereas, There are in the State thousands of male persons above the age of twenty-one years who enjoy all the protection and benefits under the laws of Florida including a free school education for their children and the use of our public roads, and who do not pay one cent of taxes for the maintenance of said roads and schools or for other purposes, therefore be it

Resolved, By the House of Representatives the Senate concurring, that a committee be appointed consisting of three on the part of the House and two on the part of the Senate, whose duty it shall be to investigate said existing conditions and to report to this House by bill or otherwise the proper legislation to remedy the conditions herein above outlined.

Also—

House Concurrent Resolution No. 8:

Providing for a committee to be appointed by the Speaker of the House and the President of the Senate to prepare and report to the House and Senate suitable resolutions upon the death of Stephen R. Mallory, late a United States Senator from the State of Florida and upon the death of William J. Bryan, late a United States Senator from the State of Florida, the said resolutions naming a date for their consideration in joint session in the House and Senate.

Also—

House Concurrent Resolution No. 9:

A memorial to Congress asking for an appropriation for the improvement of the entrance to the harbor of St. Andrews Bay, Florida.

The Concurrent Resolutions were thereupon signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 6:

Relating to our Senators and Representatives in Congress, requesting them to exert their influence at Washington against the appointment and confirmation of any such appointment, of negroes to Federal offices and appointments in the State of Florida.

Also—

House Concurrent Resolution No. 7:

Whereas, There are in the State thousands of male persons above the age of twenty-one years who enjoy all the protection and benefits under the laws of Florida, including a free school education for their children and the use of our public roads, and who do not pay one cent of taxes for the maintenance of said roads and schools or for other purposes,

Therefore, be it resolved by the House of Representatives, the Senate concurring, that a committee be appointed, consisting of three on the part of the House and two on the part of the Senate, whose duty it shall be to investigate said existing conditions and report to this House, by bill or otherwise, the proper legislation to remedy the conditions hereinabove outlined.

Also—

House Concurrent Resolution No. 8:

Providing for a committee to be appointed by the Speaker of the House and the President of the Senate to prepare and report to the House and Senate suitable resolutions upon the death of Stephen R. Mallory, late United States Senator from the State of Florida, and upon the death of William J. Bryan, late a United States Senator from the State of Florida, the said resolutions naming date for their consideration in joint session in the House and Senate.

Also—

## House Concurrent Resolution No. 9:

A memorial to Congress asking for an appropriation for the improvement of the entrance to the harbor of St. Andrews Bay, Florida.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,  
Chairman of Joint Committee.

Mr. Broome, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

## Senate Bill No. 81:

A bill to be entitled an act to require the Boards of County Commissioners to advertise for bids for public work and furnishing supplies to the county in certain cases, and providing a penalty for failure to advertise for bids.

Also—

## Senate Bill No. 71:

A bill to be entitled an act to amend Section 1586 of the General Statutes of the State of Florida, as amended by Chapter 5647, of the Acts of 1907, the same being relative to the pay of jurors.

Beg leave to report, that having carefully examined said bills, return them herewith correctly engrossed.

Very respectfully,

JAMES E. BROOME,  
Chairman of Committee.

And Senate Bills Nos. 81 and 71, contained in the above report were placed on the Calendar of Bills on Third Reading.

Mr. Henderson, Chairman of the Committee on Education, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Committee on Education, to whom was referred—

Senate Bill No. 176:

A bill to be entitled an act authorizing Trustees of Special Tax School Districts in the several counties in the State of Florida to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said District, and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issue of bonds.

Recommend that it do pass, with the following amendment:

In Sec. 2, in line 11, after the words "tax-payers" add the words "of real property."

Very respectfully,

JOHN W. HENDERSON,  
Chairman of Committee.

And Senate Bill No. 176, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Leggett, Chairman of Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 20:

An act relating to the improvement by the City of Pensacola of its streets, alleys and public ways.

Have examined same and find it correctly enrolled.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

And the Act contained in the above report was referred to the Joint Committee on Enrolled Bills, to convey to the House of Representatives for the signature of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

House Bill No. 20:

An Act relating to the improvement by the city of Pensacola of its streets, alleys and public ways.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

ENROLLED.

The President announced that he was about to sign—  
House Bill No. 20:

An Act relating to the improvement by the city of Pensacola of its streets, alleys and public ways.

The Act was thereupon duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 20:

An Act relating to the improvement by the City of Pensacola of its streets, alleys and public ways.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,  
Chairman of Joint Committee.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 10:

Resolved, by the House of Representatives, the Senate concurring, That the House Committee on Banks and Loans and the Senate Committee on Banking, shall constitute a Joint Committee of the Legislature for the purpose of considering all bills pertaining to banks and banking.

Also—

House Memorial No. 7:

Whereas, The need and conditions require a lock and dam on the Kissimmee River, on the canal from South-

port to Lake Cypress, and from Lake Cypress to Lake Hatchinega, and at the head of Lake Kissimmee,

Therefore, be it resolved our Senators and Representatives in the Congress of the United States are hereby requested and instructed to ask for an appropriation of \$75,000 for such purpose.

Have examined the same and find it correctly enrolled.

Very respectfully,

C. L. LEGGETT,

, Chairman of Joint Committee.

And the Act and Memorial contained in the above report were referred to the Joint Committee on Enrolled Bills to convey to the House of Representatives for the signature of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr. Leggett Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills to whom was referred—

House Concurrent Resolution No. 10:

Resolved by the House of Representatives, the Senate Concurring: That the House Committee on banks and loans and the Senate Committee on banking, shall constitute a Joint Committee of the Legislature for the purpose of considering all bills pertaining to banks and banking.

Also—

House Memorial No. 7:

Whereas, The need and conditions require a lock and dam on the Kissimmee River, on the canal from Southport to Lake Cypress, and from Lake Cypress to Lake Hatch-

inega, and at the head of Lake Kissimmee, therefore, be it

Resolved, By our Senators and Representatives in the Congress of the United States, and they are hereby requested and instructed to ask for an appropriation of \$75,000 for such purpose.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

### ENROLLED.

The President announced that he was about to sign—

House Concurrent Resolution No. 10:

Resolved by the House of Representatives, the Senate concurring, That the House Committee on banks and loans and the Senate Committee on banking, shall constitute a Joint Committee of the Legislature for the purpose of considering all bills pertaining to banks and banking.

Also—

House Memorial No. 7:

Whereas, The need and conditions require a lock and dam on the Kissimmee river, on the canal from Southport to Lake Cypress, and from Lake Cypress to Lake Hatchinega, and at the head of Lake Kissimmee, therefore, be it

Resolved, By our Senators and Representatives in the Congress of the United States, and they are hereby requested and instructed to ask for an appropriation of \$75,000 for such purpose.

The Act and Memorial were thereupon duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:



Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 10:

Resolved, by the House of Representatives, the Senate concurring, That the House Committee on Banks and Loans and the Senate Committee on Banking, shall constitute a Joint Committee of the Legislature for the purpose of considering all bills pertaining to banks and banking.

Also—

House Memorial No. 7:

Whereas, The need and conditions require a lock and dam on the Kissimmee River, on the canal from Southport to Lake Cypress, and from Lake Cypress to Lake Hatchinega, and at the head of Lake Kissimmee, therefore, be it

Resolved, By our Senators and Representatives in the Congress of the United States, and they are hereby requested and instructed to ask for an appropriation of \$75,000 for such purpose.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,  
Chairman of Joint Committee.

Mr Sloan, Chairman of the Committee on Legislative Expenses, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 27, 1909.

*Hon. F. M. Hudson,*

*President of the Senate.*

*Sir:*

Your Committee on Legislative Expenses, to whom was referred—

Senate Resolution No. 36:

Having considered same, recommend that Committee

on Enrolled Bills be authorized to employ one additional clerk.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

D. H. SLOAN,  
Chairman of Committee.

### INTRODUCTION OF BILLS.

By Mr. Baker, of the 29th District—

Senate Bill No. 233 :

A bill to be entitled an Act defining commission merchants, requiring such merchants to give bond, imposing a penalty for pursuing the occupation of commission merchant when bond has not been made, providing that suit may be brought on such bonds, fixing the venue of such suit, repealing all laws in conflict, and declaring an emergency.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Massey—

Senate Bill No. 234 :

A bill to be entitled an Act to amend Section 2650 of the General Statutes of this State, relative to the issue and delivery of letters patent to corporations for profit.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Dayton—

Senate Bill No. 235 :

A bill to be entitled an act to abolish the present municipal government of the town of Dade City, in the County of Pasco, and State of Florida; and to establish, organize and constitute a municipality to be known and designated as the city of Dade City, and to define its territorial boundaries, to provide for its jurisdiction, powers and privileges.

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. Dayton—

Senate Bill No. 236 :

A bill to be entitled an act to repeal Chapter 5094 of

the Laws of Florida, entitled "An Act to incorporate the Town of Trilby, in Pasco County, Florida, and to provide for the election of its municipal officers.

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. Dayton—

Senate Bill No. 237:

A bill to be entitled an act to amend Sections 2873 and 2875 of the General Statutes of the State of Florida, relating to fencing of railroad tracks.

Which was read the first time by its title and referred to the Committee on Railroads.

By Mr. Humphries—

Senate Bill No. 238:

A bill to be entitled an act to amend Section 37 of Chapter 5080, Laws of Florida, approved May 29th, 1901.

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. Hudson—

Senate Bill No. 239:

A bill to be entitled an act to provide for the investment by the State Board of Education of Florida of the principal of the State School Fund in certain obligations of counties within this State, and the mode of creating said obligations.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Sams—

Senate Bill No. 240:

A bill to be entitled an act for the relief of L. M. Richardson, of Owens, DeSoto County, Florida, for loss of horses ordered killed by Charles F. Dawson, Veterinarian of the University of Florida.

Which was read the first time by its title and referred to the Committee on Claims—

By Mr. Cone—

Senate Bill No. 241:

A bill to be entitled an act to amend Section 3570 of the General Statutes of the State of Florida, relating to vagrants and tramps.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Beard—

Senate Bill No. 242:

A bill to be entitled an act to repeal Chapter 5836, Acts of 1907, entitled "An Act requiring the Recorder of the City of Pensacola, elected in the year one thousand nine hundred and nine and thereafter, to be a practicing lawyer in said city."

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. McMullen—

Senate Bill No. 243:

A bill to be entitled an act for the relief of Inez Abernethy, instructor in Art in the Florida Female College, at Tallahassee, Fla.

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. Crill—

Senate Joint Resolution No. 244:

A Joint Resolution proposing an amendment to Section 2, of Article XVII, of the Constitution of Florida, relating to amendments.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. McMullen—

Senate Bill No. 245:

A bill to be entitled an act to amend Section 9 of Chapter 4877 of the Laws of Florida, approved June 1st, 1899, entitled, "An Act to establish the municipality of Dune-din, provide for its government, and prescribe its jurisdiction and powers."

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. McMullen—

Senate Bill No. 246:

A bill to be entitled an act amending the charter of the Charlotte Harbor and Northern Railway Company, and extending the time within which said company may complete the construction of its road.

Which was read the first time by its title and referred to the Committee on Railroads.

By Mr. Cook—

Senate Bill No. 247:

A bill to be entitled an act permitting the Boards of County Commissioners in counties having a population of twenty thousand or more inhabitants, and having no County Court or Criminal Court of Record, to employ an attorney-at-law to represent the State in all criminal cases tried or heard in the county judge's court and any Justice of the Peace courts in such county, and fixing the salary of such attorney.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McCreary—

Senate Bill No. 248:

A bill to be entitled an act requiring butchers of beeves and hogs to submit the same for inspection.

Which was read the first time by its title and referred to the Committee on Public Health.

By Mr. McCreary—

Senate Bill No. 249 (by request)—

A bill to be entitled an act to validate and confirm all grants, privileges and permits which have heretofore been made and given, or attempted to have been made and given by any of the cities and towns of this State, to any persons, firm or corporation, by resolution of the city or town council of said city or town, and which have been acted upon by the grantee or grantees, their successors or assigns by the investment of money in good faith, and to give the force and effect of ordinances to resolutions heretofore passed by cities and towns in relation to grants, privileges and permits.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Beard—

Senate Bill No. 250:

A bill to be entitled an act to define and prohibit usury and usurious contracts in this State, and to require that mortgages shall state separately and distinctly, the principal, interest and fees secured by such mortgage and to

require creditors to give to debtors receipts for money paid, and prescribing penalties for the violation of this act.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Miller—

Senate Bill No. 251:

A bill to be entitled an act allowing a per diem to County Judges and Justices of the Peace for each day they hold court.

Which was read the first time by its title and referred to the Committee on Judiciary B.

### CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution No. 11:

Proposing that the several standing committees of the House meet with the several corresponding committees of the Senate on all important matters referred to such committees.

Was taken up and read the second time.

Mr. Crill moved that the resolution be laid over until tomorrow.

Which was agreed to.

### MESSAGES FROM THE GOVERNOR.

The following message from the Governor was read:

State of Florida,  
Executive Office,

Tallahassee, Fla., April 24, 1909.

*Gentlemen of the Legislature:*

Your attention is respectfully invited to the following:

On the 19th day of March, 1909, William M. Langston, Sheriff of Leon County, was murdered while in the discharge of his duty. On the 29th day of March, Mick Morris was arrested, charged with the commission of this crime. Owing to the state of the public mind existing in this county, steps were taken to secure a prompt trial. Under Section 1813 of the General Statutes a Special term of Court can only be called by the Judge of the Cir-

cuit in which the Court is held. The Judge of this Circuit was requested by me to order a special term of the Court, the necessity for which action was communicated to him. He ordered a special term of Court to convene at Tallahassee April 5, 1909. Under Section 1814 of the General Statutes, I directed Judge B. H. Palmer to preside over the Court. Judge Palmer convened court on that day. He informed me that several grave questions arose which, in his mind, would warrant him in adjourning court without a trial, in consequence of which Mick Morris, the prisoner, was transferred to the county jail of Duval County. The calling of this court undoubtedly allayed the excitement in this county, and probably prevented a lynching. It also developed the necessity for a change of law, in order that court may be held in emergency cases similar to this.

A letter was written by me to Judge B. H. Palmer, asking him to give the reasons why he found it necessary to adjourn court without a trial. His reply is herewith submitted for your consideration. Your attention is invited to Judge Palmer's comments about "judicial murders," likely to result from the inflamed condition of the public mind in the county where the crime occurred. This could be obviated by having the trial in such cases held in another county. One grave defect of the present law is that when trials are delayed witnesses often escape, enabling criminals to go unwhipt of justice. This enrages the public mind and results in lynchings.

It is recommended that a law be enacted to cover the points raised by Judge Palmer.

I have the honor to be,

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Lake City, Fla., April 20, 1909.

Hon. Albert W. Gilchrist:

In answer to your letter of April 17th, asking me to give the reasons why the Special Term called in Leon County to try Mick Morris for the killing of Sheriff Langston, will say:

The first difficulty in the way was Section 8, Article V, as amended, of the Constitution.

The second;—Sections 1575, 1576, 1578, of the General Statutes of Florida.

The Judge at the regular term having drawn the jury for the next succeeding *regular* or *special* term, as provided by Sec. 1575, and fifteen days not intervening from the calling of the Special Term to the convening of the Court, the Clerk could not draw the jury for the Special Term as provided by Sec. 1576, or Sec. 1575.

Section 1578 provides for procuring a petit jury only.

On inspection of Sec. 1579 it will be readily seen that the regular jury drawn by Judge Malone at the previous term of Court, could not be *quashed*, because they had not been drawn by the Clerk as provided by Sec. 1575, so that the Judge might draw the jury as provided for by the last of second clause of said Section.

It will be further seen from Sec. 1579 that there was *no failure* or omission on the part of Judge Malone to draw the jury for "the next succeeding regular or special term," and it is provided for the Judge to draw another jury only in case of a failure or omission to draw.

So you see that the Court had no legal way of procuring a jury. The Court had no way of doing away with the jury drawn by Judge Malone. He could not order the Clerk to draw the jury in order to quash it, for then he would have been ordering the Clerk to violate the law. He could not order another jury—this regular drawn jury could not legally be gotten out of the way.

Then the regular Court was so soon to meet, that it was the consensus of opinion of the people, lawyers, and the State Attorneys of the Second and Third Circuits that it would not be advisable to proceed over so many doubts of the law.

Then the public mind of the citizenship was too much inflamed to give the defendant a fair and impartial trial. It is the policy of the courts to equally guard against a *Judicial* murder as well as murder at the hands of a *mob*. What is the difference between a murder by the mob and a judicial murder? Why, a vast difference. The judicial murder is a thousand times more to be deplored.

I think that Sec. 1578 could be so amended as to remedy the trouble.

Whenever there shall be called a special term of any Circuit or County Court, the Judge thereof shall have power in vacation to order the Clerk of the Court of said



county to draw from the jury box of said county, or to open the envelope and draw, as provided now by law, and require the Sheriff to summon said jury to appear at such time as may be directed by the Judge drawing said jury, a grand and petit jury for each special term.

Hoping that you will be able to have the law so changed as to meet just such emergencies, I remain,

Yours very respectfully,

(Signed) B. H. PALMER.

Mr. Buckman moved that the message be spread upon the Journal and that it be referred to Judiciary Committee.

Which was agreed to, and the message was referred to the Committee on Judiciary A.

Mr. Massey was excused from attendance on the body for Wednesday and Thursday.

Mr. Humphries moved that the rules be waived and that the Senate now take up for consideration Bills on Third Reading.

Which was agreed to by a two-thirds vote.

And the Senate proceeded to the consideration of—

### BILLS ON THIRD READING.

#### Senate Bill No. 36—

A bill to be entitled an act authorizing and directing the County Treasurer to transfer the surplus funds of the Fine and Forfeiture Fund to the School Fund of the respective counties, and that the same be used for school purposes.

Was taken up and was temporarily passed over.

#### Senate Bill No. 96:

A bill to be entitled an act to amend Section 313 of the General Statutes of the State of Florida, relating to the age limit of attendants of the public schools.

Was taken up and was read the third time in full.

Upon the passage of Senate Bill No. 96 the vote was:

Yeas—Mr. President, Senators, Buckman, Cook, Cone, Davis, Dayton, Humphries, Johnson, Massey, McMullen, Sloan—11.

Nays—Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Crill, Cottrell, Flournoy, Hen-

derson, Leggett, McCreary, McLeod, Miller, Sams, Williams, Withers—15.

So the bill failed to pass.

Mr. Beard moved that Senate Joint Resolution No. 18 be made a special order for Friday, at 10:30 o'clock.

Which was agreed to, and it was so ordered.

Mr. Beard moved that the consideration of the report on the Joint Commission to investigate the acts and doings of the Board of Trustees of the Internal Improvement Fund, be made a special order for 11 o'clock Thursday, April 29.

Which was agreed to, and it was declared a special order for that day.

Senate Bill No. 40:

A bill to be entitled an act to confer upon electric railway companies in this State all the rights, power and privileges of eminent domain now exercised and enjoyed by railroad and canal companies in this State, as to and concerning the condemnation of private and public property for right of way.

Was taken up and was read the third time in full.

Upon the passage of Senate Bill No. 40, the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Henderson, Humphries, Johnson, Leggett, Massey, McCreary, McMullen, Miller, Sams, Sloan, Williams, Withers.—22.

Nays—McLeod.—1.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 72:

A bill to be entitled an act for the relief of James R. Landrum, former Justice of the Peace, Second district, of Escambia county, State of Florida, for loss of fees during his suspension from said office.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 72 the vote was:

Yeas—Mr. President, Senators Baker (20th District), Beard, Broome, Buckman, Crill, Cottrell, Dayton, Flournoy, Henderson, Humphries, Johnson, Massey, McCreary, McMullen, Miller, Sams, Sloan, Williams, Withers—20.

Nays—Senators Cook, Leggett, McLeod—3.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 81:

A bill to be entitled an act to require the Boards of County Commissioners to advertise for bids for public work and furnishing supplies to the county in certain cases, and providing a penalty for failure to advertise for bids.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 81 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Dayton, Flournoy, Henderson, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 73:

A bill to be entitled an act for the relief of Charles P. Bobe, former Constable, Second District, of Escambia county, State of Florida, for loss of fees during his suspension from said office.

Committee on Judiciary A report favorable.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 73 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Beard, Broome, Buckman, Crill, Cottrell, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Massey, McCreary, McMullen, Miller, Sams, Sloan, Williams, Withers—21.

Nays—Cook, Leggett, McLeod—3.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Senate Bill No. 7:

A bill to be entitled an act requiring certain State officers and certain departments of the State government to make detailed reports and providing a penalty for failure to comply with said requirements.

Was taken up.

Mr. Sloan moved that the rules be waived that the bill be put back on the second reading for amendment.

Which was agreed to by a two-thirds vote, and it was so ordered.

Senate Bill No. 162:

A bill to be entitled an act requiring the Clerk of the Supreme Court of the State of Florida, in all cases in the Supreme Court where the judgment or decree shall be reversed or modified and which the Supreme Court writes an opinion, to send to the Clerk of the Circuit Court of the county from which the case is appealed, or writ of error taken, a correct copy of such opinion of the Supreme Court.

Was taken up and was temporarily passed over.

Senate Bill No. 39:

A bill to be entitled an act legalizing and confirming all grants, licenses and permits heretofore made and given by County Commissioners in relation to the occupation and use of highways, roads and streets by surface street railways, which licenses, grants or permits have been acted upon by the grantee or grantees, their successors or assignees, by the expenditure of money in good faith.

Was taken up.

Mr. McMullen moved to waive the rules and that the bill be placed back on the second reading for amendment.

Which was agreed to by a two-thirds vote and it was so placed on the calendar.

Senate Bill No. 19:

A bill to be entitled an act to punish persons using profane or obscene language on any car propelled by electricity and operated in this State, as a common carrier of passengers, and authorizing and empowering conductor or other person in charge of such car to prevent intoxicated persons entering such car, and authorizing conductor or other person in charge of such car to arrest and eject boisterous, intoxicated, profane or obscene persons from such car; and providing a penalty for the failure, refusal or neglect of the conductor or other person in charge of such car to carry out the provisions of this act.

Was taken up and was read the third time in full.

Upon the passage of Senate Bill No. 19 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.),

Baker (29th Dist.), Beard, Broome, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Mr. Johnson asked unanimous consent to correct the spelling of two words in Senate Bill No. 162:

Which was unanimously granted.

The correction was made in the presence of the Senate.

Senate Bill No. 162:

A bill to be entitled an act requiring the Clerk of the Supreme Court of the State of Florida, in all cases in the Supreme Court where the judgment or decree shall be reversed or modified and in which the Supreme Court writes an opinion, to send to the Clerk of the Circuit Court of the county from which case is appealed or writ of error taken, a correct copy of such opinion of the Supreme Court.

Was again taken up and was read the third time in full.

Upon the passage of Senate Bill No. 162 the vote was:

Yeas—Mr. President, Senators Baker (20th District), Baker (29th District), Beard, Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Williams, Withers—22.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Senate Bill No. 31:

A bill to be entitled an act to punish any person who intimidates or attempts to intimidate any person who has been served with process to appear as a witness in any court in this State.

Was taken up and read the third time in full.

By unanimous consent the word "affective" in the bill was changed to read "effective."

Upon the passage of Senate Bill No. 31, the vote was:

Yeas—Mr. President, Senators Baker (20th District),

Baker (29th District), Beard, Broome, Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Williams, Withers—24.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Senate Bill No. 10:

A bill to be entitled an act prohibiting fire insurance companies doing business in this State, in the absence of fraud, misrepresentation or deceit upon the party insuring, from setting up as a defense against the payment of a policy, lack of title in the party insuring.

Was taken up and was read the third time in full.

Mr. Johnson asked unanimous consent to amend the title of the bill as follows: In sixth line of title insert the words "the part," so as to read "upon the part of."

Which was unanimously granted, and the correction was made in the presence of the Senate.

Upon the passage of Senate Bill No. 10 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Broome, Crill, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers—22.

Nays—Senators Baker (29th Dist.), Buckman, Cook—3.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Senate Bill No. 51:

A bill to be entitled an act providing for the creation of Palm Beach County in the State of Florida and for the organization and government thereof.

Was taken up.

Mr. Flournoy moved that Senate Bill No. 51 be laid on the table subject to call.

Which was agreed to, and it was so ordered.

Senate Bill No. 105:

A bill to be entitled an act to prohibit the prostitu-

tion of females under the age of eighteen years and providing punishment therefor.

Was taken up and was read the third time in full.

Upon the passage of Senate Bill No. 105 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Senate Bill No. 109:

A bill to be entitled an act to amend Section 2523 of the General Statutes of the State of Florida, relating to enticing away unmarried females for prostitution.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 109, the vote was:

Yeas—Mr. President, Senators Baker (20th District), Baker (29th District), Beard, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Senate Bill No. 110:

A bill to be entitled an act to regulate the killing and butchering of cattle.

Was taken up and read the third time in full.

Mr. Williams moved that the rules be waived and that Senate Bill No. 110 be placed back on its second reading, for amendment.

Which was agreed to by a two-thirds vote, and it was so placed.

Senate Bill No. 111:

A bill to be entitled an act to authorize and empower the Board of County Commissioners of Suwannee county, Florida, to issue interest-bearing coupon warrants to take up and cancel all outstanding county warrants issued prior to January 1, 1909.

Was taken up.

Mr. Johnson moved that Senate Bill No. 111 be sub-

stituted by House Bill No. 177, now on its third reading.  
Which was unanimously agreed to.

And—

House Bill No. 177:

A bill to be entitled an act to authorize and empower the Board of County Commissioners of Suwannee county, Florida, to issue interest-bearing coupon warrants to take up and cancel all outstanding county warrants issued prior to January 1, 1909.

Was taken up and was read the third time in full.

Upon the passage of House Bill No. 177, the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Miller, Sams, Sloan, Williams, Withers.—25.

Nays—Senator Crill.—1.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

Mr. Cook moved that the rules be waived and that the Senate proceed to the consideration of Miscellaneous Business.

Which was agreed to by a two-thirds vote.

#### MISCELLANEOUS BUSINESS.

Mr. Harris offered the following resolution—

Senate Concurrent Resolution No. 10:

Requesting the Postmaster General of the United States to order all mail for the city of Key West to be transmitted by way of Knight's Key, Florida.

Which was laid over, under the rule.

Mr. Beard moved that the Committee on Municipalities be discharged from further consideration of Senate Bill No. 242.

Which was agreed to.

Mr. Beard moved that the rules be waived and that



Senate Bill No. 242 be now taken up on its Second Reading.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 242:

A bill to be entitled an act to repeal Chapter 5836, Acts of 1907, entitled "An act requiring the Recorder of the City of Pensacola, elected in the year one thousand nine hundred and nine and thereafter, to be a practicing lawyer in said city."

Was read the second time in full.

Mr. Beard moved that the rules be further waived and that Senate Bill No. 242 be read the third time.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 242:

A bill to be entitled an act to repeal Chapter 5836, Acts of 1907, entitled "An act requiring the Recorder of the City of Pensacola, elected in the year one thousand nine hundred and nine and thereafter, to be a practicing lawyer in said city."

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 242 the vote was:

Yeas—Mr. President, Senators Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Harris, Henderson, Humphries, Johnson, Leggett, McCreary, McLeod, McMullen, Sams, Sloan, Williams, Withers—24.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, under the rule.

Mr. Johnson moved that the Senate do now adjourn to 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock a. m., Wednesday, April 28, 1909.